

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

SIERRA CLUB,

Plaintiff-Intervenor,

v.

AMEREN MISSOURI,

Defendant.

Civil Action No. 4:11-cv-00077-RWS

**MOTION BY AMEREN MISSOURI FOR LEAVE
TO FILE DOCUMENT UNDER SEAL TEMPORARILY FOR 120 DAYS**

Pursuant to Local Rule 13.05 and the Stipulated Protective Order regarding Confidential Information and Documents (ECF No. 90, as amended by ECF No. 903), Defendant Ameren Missouri (“Ameren”) hereby moves for leave to file a limited portion of *Ameren’s Supplemental Status Report* (November 5, 2021) temporarily under seal for 120 days. If further sealing beyond 120 days will be warranted, Ameren will file a subsequent motion supporting such a request. Counsel for Ameren conferred with counsel for Plaintiffs, who advised they take no position on this motion. In support of this motion, Ameren states as follows:

A portion of *Ameren’s Supplemental Status Report* (November 5, 2021) contains highly confidential, non-public, sensitive information designated by Ameren as Highly Confidential Information subject to the Stipulated Protective Order and its Amendment in this case. This information also warrants sealing under Local Rule 13.05. Without disclosing the substance of

the information sought to be kept confidential, consistent with Local Rule 13.05, the information relates to internal company planning considerations that have been kept confidential and have not been publicly disclosed or otherwise disclosed outside of the company. The information constitutes commercial and/or trade secret information that is entitled to confidential treatment under the Federal Rules of Civil Procedure and other applicable law; it rises to the level of highly sensitive, and therefore highly confidential, information as contemplated by the Stipulated Protective Order in this case. Disclosure would create a substantial risk of serious harm that could not be avoided by less restrictive means. Ameren requests only redaction and sealing of a limited portion of the document in question and only for a temporary period of time—120 days. The limited redaction and temporary sealing requested in this motion are narrowly tailored.

Pursuant to Local Rule 13.05(A)(4)(b)(i) and (ii), both a Memorandum Supporting Sealing and the complete, unredacted copy of the subject document will be filed under seal concurrently with the filing of this motion. A proposed order also will be submitted consistent with the Court's procedures.

On November 4, 2021, Ameren conferred with counsel for Plaintiffs regarding this motion to seal. Counsel for Plaintiffs advised that they take no position regarding the motion.

WHEREFORE, Ameren Missouri respectfully requests that the Court grant Ameren leave to file the complete unredacted copy of *Ameren's Supplemental Status Report* (November 5, 2021) under seal for 120 days.

Dated: November 5, 2021

Respectfully submitted,

/s/ Matthew B. Mock

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Counsel for Defendant Ameren Missouri

CERTIFICATE OF SERVICE

I hereby certify that on November 5, 2021 I caused the foregoing document to be electronically filed with the Clerk of Court using the CM/ECF system, which will cause an electronic copy to be served on all counsel of record.

/s/ Matthew B. Mock

Matthew B. Mock